



State Water Resources Control Board



Terry Tamminen
*Secretary for
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Protection*

Division of Water Rights
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Arnold Schwarzenegger
Governor

**NOTICE OF PETITION FOR TEMPORARY CHANGE
INVOLVING THE TRANSFER OF UP TO 20,000 ACRE FEET OF WATER
FROM THE PLACER COUNTY WATER AGENCY TO THE
DEPARTMENT OF WATER RESOURCES' ENVIRONMENTAL WATER ACCOUNT
UNDER PERMITS 13856 AND 13858 (APPLICATIONS 18085 AND 18087)**

Notice is hereby given that on June 8, 2004:

Placer County Water Agency
c/o Janet K. Goldsmith
400 Capitol Mall, 27th Floor
Sacramento, California 95814

completed the filing with the State Water Resources Control Board (SWRCB) of a Petition for Temporary Change under Water Code section 1725, et seq. Placer County Water Agency's (PCWA) petition requests the transfer of up to 20,000 acre-feet (af) of water to the Bay-Delta Authorities' Environmental Water Account (EWA) for use within the Central Valley Project (CVP) and State Water Project (SWP) service areas or to meet Delta water quality standards. Water acquired by EWA via this transfer will be administered by the Department of Water Resources (DWR). If approved, the temporary change would be effective through December 31, 2004.

DESCRIPTION OF THE TRANSFER

PCWA proposes to transfer up to 20,000 af of water currently stored in French Meadows Reservoir and Hell Hole Reservoir (the major storage facilities of its Middle Fork Project) under Permits 13856 and 13858 (Applications 18085 and 18087) to EWA. The transfer water would be released between the date of approval of this transfer, but no sooner than July 1, 2004, and December 31, 2004, to the Rubicon River thence the Middle Fork American River and temporarily stored in Folsom Reservoir. The transfer water would then be available for release to the Lower American River thence the Sacramento River to the Delta to provide salinity and water quality controls within the Delta or to export to users within the State Water Project (SWP) or Central Valley Project (CVP) service areas. The transfer water would be available for use by EWA through December 31, 2004.

The proposed temporary change would add the service areas of the CVP and SWP to the authorized place of use under Permits 13856 and 13858. The Clifton Court Forebay and the Tracy Pumping Plant, as well as El Dorado Irrigation District's diversion facility at Folsom Reservoir would be temporarily added as points of rediversion under Permits 13856 and 13858.

California Environmental Protection Agency

Water quality control would be temporarily added as a purpose of use under Permits 13856 and 13858. In the absence of this transfer, up to 20,000 af of the subject water would remain in storage in French Meadows Reservoir and Hell Hole Reservoir.

MIDDLE FORK PROJECT AND FOLSOM RESERVOIR OPERATIONS

PCWA owns and operates the Middle Fork Project (located within the upper American River watershed) which consists of the French Meadows and Hell Hole reservoirs, with combined storage capacity of approximately 343,000 af (135,000 af of capacity in French Meadows Reservoir and 208,000 af of capacity in Hell Hole Reservoir), and associated canals, pipelines, powerhouses and regulating reservoirs. French Meadows Reservoir is located on the Middle Fork American River and Hell Hole Reservoir is located on the Rubicon River (which is tributary to the Middle Fork American River). PCWA's Federal Energy Regulatory Commission (FERC) licenses require PCWA to maintain minimum instream flows in the Middle Fork American River and Rubicon River (below both reservoirs) based on the season and water year type. Water stored in French Meadows Reservoir may be pumped via underground pipeline to Hell Hole Reservoir and, during normal operations, PCWA uses Hell Hole reservoir as the release point for most of the water it uses for power generation and its authorized consumptive uses.

The timing and magnitude of PCWA's releases for its power generation and consumptive uses from Hell Hole Reservoir are governed by power demands. Under typical conditions, PCWA operates its power generation facilities during daytime (peak demand) hours only. Accordingly, PCWA releases approximately 950 cubic feet per second (cfs) from Hell Hole Reservoir (in addition to the required instream flows) for between 10 and 14 hours per day. During off-peak times only the required instream flow is maintained. PCWA indicated that additional releases of water from Hell Hole Reservoir associated with the proposed transfer would result in an extended peak release period, however, the magnitude of the peak release would remain approximately 950 cfs.

DWR indicated that the timing and magnitude of releases of the transfer water from Folsom Reservoir to the Lower American River will be made in consultation with the EWA Management Agencies (the California Department of Fish and Game, NOAA - Fisheries, and the United States Fish and Wildlife Service). Coordination of these releases with the EWA Management Agencies is intended to maximize any potential benefit of the resulting additional flows on fish and wildlife. Representatives of DWR estimated that the maximum additional releases from Folsom Reservoir resulting from this transfer will be 1,000 cfs. PCWA's petition also included an agreement with USBR intended to ensure that future refill of water transferred from storage at French Meadows and Hell Hole reservoirs does not adversely impact operations of Folsom Reservoir.

PETITIONER'S WATER RIGHTS

Permits 13856 and 13858 (Applications 18085 and 18087), issued on January 10, 1963, authorize PCWA to divert to storage up to a maximum of 133,700 af per year (afa) in French Meadows Reservoir and up to 208,400 afa in Hell Hole Reservoir. These permits also authorize the direct diversion of up to a total of 2025 cfs between November 1 and July 1 of each year. The authorized purposes of use under Permits 13856 and 13858 are irrigation, municipal, industrial, recreation and incidental domestic and the place of use is shown on PWCA's map set dated July 31, 1996.

PCWA also holds Permits 13855 and 13857 (Applications 18084 and 18086), issued on January 10, 1963. These permits authorize similar direct diversion and storage totals and locations as Permits 13856 and 13858, however, these permits are for non-consumptive uses (i.e., power generation and recreation). Accordingly, these permits were not included in this petition for temporary change.

COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

Temporary changes under Water Code sections 1725, et seq. are exempt from the requirements of the California Environmental Quality Act (CEQA). (Water Code section 1729) However, the SWRCB must consider potential impacts to other legal users of the water and to fish, wildlife, or other instream beneficial uses.

SWRCB'S STATUTORY PROVISIONS

Pursuant to Water Code sections 1725, et seq., the SWRCB is authorized to issue temporary change orders, allowing the transfer or exchange of water or water rights after completing an evaluation sufficient to determine that the proposed temporary change(s):

1. Involves only water that would otherwise have been consumptively used or stored by permittee or licensee;
2. Would not injure any other legal user of the water; and
3. Would not unreasonably affect fish, wildlife, or other instream beneficial uses.

If the SWRCB cannot satisfy, in a timely manner, the provisions of Water Code section 1725, et seq., then the SWRCB may deny the petition or schedule and notice a hearing regarding the proposed transfer or exchange of water.

OPPORTUNITY FOR COMMENTS

Pursuant to the requirements outlined above, the SWRCB is seeking information to assist in the evaluation of the proposed temporary change of water rights under the transfer. Any person may file comments concerning the petitions for temporary change. The comments must address the required findings set forth above. The petitioner has the burden of establishing that the proposed temporary change will not injure any legal user of water, or unreasonably affect fish, wildlife, or instream beneficial uses. If the SWRCB determines that the petitioner has established a prima facie case, the burden of proof then shifts to the party that has filed comments (Water Code section 1727). While such a determination has not been made in this case, commentors should provide sufficient information to support claims of injury or affects on fish, wildlife, or other instream uses.

Due to the relative brevity of the temporary transfer process, the Division (if necessary) may request that the petitioner submit additional information during the comment period. Any such requests and any additional information submitted by the petitioner regarding this proposed temporary change **during the comment period** will be posted with this notice on the Division of Water Rights website at www.waterrights.ca.gov/application/TempUrg.htm. Potential commentors are strongly urged to check the website for such information prior to filing a comment.

Comments filed in response to this notice must be received in the office of the SWRCB's Division of Water Rights, by **3:00 p.m. on July 23, 2004**. Additionally, **the response must be accompanied by proof of service of a separate copy of the materials on the petitioner**. The petitioner's and the Division's street and mailing addresses are listed below. Interested parties are encouraged to file comments by FAX and to notify the following contact persons by telephone of any materials that will be submitted. However, an original copy of all materials must be received for the SWRCB to consider your concerns.

Mailing Address

Division of Water Rights
c/o Greg Wilson
P.O. Box 2000
Sacramento, CA 95812-2000
FAX: (916) 341-5400

Placer County Water Agency
c/o Janet K. Goldsmith
400 Capitol Mall, 27th Floor
Sacramento, California 95814
FAX: (916) 321-4555

Street Address:

1001 I Street, 14th Floor
Sacramento, CA 95814

Please address questions about this notice to Greg Wilson at (916) 341-5427. Questions regarding the petitioner or transferee should be addressed as follows:

PCWA (petitioner)

Janet Goldsmith (916) 321-4500
FAX: (916) 321-4555

EWA (transferee)

Theresa Geimer (916) 653-4547
FAX: (916) 653-9628

Original Signed by

VICTORIA A. WHITNEY
Division Chief

Date: June 21, 2004